

REMARKS

Claims 24-46 remain pending and under examination. Applicants have amended claims 24 and 35. Support for these amendments may be found in the specification at, for example, page 4, lines 18-31.

Applicants respectfully traverse the objection and rejection made in the Final Office Action, wherein the Examiner took the following actions:

- (1) objected to the specification; and
- (2) repeated the rejection of claims 24-46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,559,862 (“*Bhagat*”) in view of U.S. Patent No. 6,975,708 (“*Scherer*”).

Regarding the Objection to the Specification

The Final Office Action alleged that the specification does not provide proper antecedent basis for the claimed “computer readable medium encoded with a computer program product,” as recited in claim 46. Final Office Action, page 2. Applicants respectfully disagree and point out that the above-quoted claim element is supported by the specification at, for example, page 3, lines 19-24, as well as in original claim 22. Specifically, the specification discloses “a data processing product which can be loaded into the memory of at least one electronic computer and contains portions of software code for implementing the procedure according to the invention when the product is executed on at least one computer.” *Id.* Therefore, Applicants respectfully request withdrawal of the objection to the specification.

Regarding the 35 U.S.C. § 103(a) Rejection

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 24-46 under 35 U.S.C § 103(a) as being unpatentable over *Bhagat* in view of *Scherer*.

The Final Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective

obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Final Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed invention and the prior art, at least because the Final Office Action has not properly interpreted the prior art by considering both the invention and the prior art as a whole. *See* M.P.E.P. § 2141(II)(B).

Specifically, *Bhagat* and *Scherer*, taken either alone or in combination, do not disclose or suggest at least the following claim elements recited in claim 24 (claim 35 containing similar recitations):

selectively identifying an identification code associated with a long-distance code used by said called user for calling back said calling user, wherein the identification code is associated with the called user by a long-distance operator prior to the call and stored in the communication network by the long-distance operator.
(Emphases added).

The Examiner admitted that *Bhagat* “[does] not suggest where[in] the identification code [is] associated with a long distance operator.” Final Office Action, page 3. However, the Examiner alleged that “*Scherer* teaches a method and system where a carrier code is inserted in the dialed number (i.e., outgoing call or callback).” *Id.* Applicants respectfully disagree with the allegations and note that *Scherer* merely discloses that a call processor can “select carriers by inserting a carrier code ... in the dialed number or by selection of trunk and access lines” *Scherer*, col. 20, lines 41-45. However, *Scherer* does not teach or suggest that the carried code is “associated with a long-distance code,” nor does *Scherer* disclose that the carrier code “is associated with the called user by a long-distance operator prior to the call and stored in the communication network by the long-distance operator,” as recited in claim 24 (and similarly

claim 35). Indeed, the *Scherer*'s carrier code is merely an identifier of a service provider ("such as 10288 for AT&T"). *Scherer*, col. 20, lines 41-45. Therefore, *Scherer*'s carrier code cannot serve as a long-distance code.

Thus, the Final Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed invention and the prior art. Independent claims 24 and 35 are not obvious over *Bhagat* and *Scherer*, whether taken alone or in combination, and should therefore be allowable. Dependent claims 25-34 and 36-46 should also be allowable at least by virtue of their respective dependence from base claim 24 or 35, and because they recite additional features not taught or suggested by the cited references. Accordingly, Applicants request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion

Applicants respectfully request reconsideration of the application and withdrawal of the objection and rejection. Pending claims 24-46 are in condition for allowance, and Applicants request a favorable action.

The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Final Office Action.


If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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